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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARSHALL LOSKOT,  
Plaintiff,

No. C 04-02845 TEH

v.  
DOLLAR INN PETALUMA,  
Defendant.

**ORDER OF DISMISSAL**

The Parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this cause,

IT IS HEREBY ORDERED that this cause be dismissed with prejudice; provided, however, that if any party hereto shall certify to this Court, with proof of service of a copy to opposing counsel, within ninety (90) days from the date of this order, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

Dated: 10/05/05

  
THELTON E. HENDERSON  
UNITED STATES DISTRICT JUDGE